

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

RICHARD ANTHONY NEWLAND,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

CASE NO. 2:08-cv-472

CRIM. NO. 2:05-cr-111

JUDGE GRAHAM

MAGISTRATE JUDGE KEMP

OPINION AND ORDER

On March 17, 2010, the Magistrate Judge issued a *Report and Recommendation* recommending that petitioner be appointed counsel to represent him at an evidentiary hearing on his claim that he was denied the effective assistance of counsel because his attorney advised him to proceed to trial, as he would be sentenced the same regardless of whether he pleaded guilty or proceeded to trial. The Magistrate Judge further recommended that the remainder of petitioner's claims be dismissed.

Although the parties were advised of the right to object to the Magistrate Judge's recommendations, and of the consequences of failing to do so, no objections have been filed.

The *Report and Recommendation* is **ADOPTED** and **AFFIRMED**. Petitioner shall be appointed counsel to represent him at an evidentiary hearing on his claim that he was denied the effective assistance of counsel because his attorney advised him to proceed to trial, as he would be sentenced the same regardless of whether he pleaded guilty or

proceeded to trial. The remainder of petitioner's claim are hereby **DISMISSED**.

IT IS SO ORDERED.

s/ James L. Graham
JAMES L. GRAHAM
United States District Judge